



**MINUTES OF THE  
SPECIAL MEETING OF COUNCIL  
6 JUNE 2018**

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**MINUTES OF THE SPECIAL COUNCIL MEETING OF  
SOUTHERN DOWNS REGIONAL COUNCIL HELD ON 6 JUNE 2018 IN THE  
COUNCIL CHAMBERS, SOUTHERN DOWNS REGIONAL COUNCIL,  
64 FITZROY STREET, WARWICK AT 2:00PM**

**1. ATTENDANCE**

Present: Crs Dobie (Chair), Gow, Kelly, McNally, McNichol, Meiklejohn, Pennisi, Stocks and Windle

Officers: David Keenan (Chief Executive Officer), Ken Harris (Director Planning, Environment and Corporate Services), Eric Kraak (Acting Director Engineering Services), Peter Gribbin (Manager Corporate Services), Annette Doherty (Planning and Compliance Coordinator) and Marion Seymour (Minute Secretary)

**2. APOLOGIES**

Nil

**3. DECLARATIONS OF CONFLICTS OF INTEREST**

ITEM NO	ITEM PRECIS	NATURE OF CONFLICT
4.1	MATERIAL CHANGE OF USE - TERRAIN SOLAR PTY LTD, GLEESONS ROAD, FREESTONE ROAD AND JENSENS ROAD, SLADEVALE	CR MCNALLY DECLARED THAT A PERCEIVED CONFLICT OF INTEREST IN THIS MATTER (AS DEFINED IN SECTION 173 OF THE <i>LOCAL GOVERNMENT ACT 2009</i> ), MAY EXIST AS HER RESIDENCE IN MURPHY STREET RUNS PARALLEL TO THE SUBSTATION IN EAST STREET WHERE THE POWERLINES WILL RUN TO FROM THE DEVELOPMENT. CR MCNALLY DEALT WITH THE PERCEIVED CONFLICT OF INTEREST BY STATING THAT IT WAS HER DETERMINATION THAT HER PERSONAL INTEREST IS NOT OF SUFFICIENT SIGNIFICANCE THAT IT WOULD LEAD TO HER MAKING A DECISION ON THIS MATTER THAT IS CONTRARY TO THE PUBLIC INTEREST. CR MCNALLY PARTICIPATED IN THE DISCUSSION AND VOTING ON THIS MATTER.

#### **4. PLANNING, ENVIRONMENT & CORPORATE SERVICES DEPARTMENT REPORTS**

##### **4.1 Material Change of Use - Terrain Solar Pty Ltd, Gleesons Road, Freestone Road and Jensens Road, Sladevale**

###### **Resolution**

**Moved Cr S Windle**

**Seconded Cr Y Stocks**

THAT the application for Material Change of Use for a Renewable energy facility (Solar farm) on land at Gleesons Road, Jensens Road and Freestone Road, Sladevale, described as Lots 1, 4 & 5 RP36424, Lot 416 SP141378, Lots 417 & 418 W3010, Lot 415 SP279264, Parish of Warwick, County of Merivale, be approved subject to conditions:

###### **Schedule 1 - Southern Downs Regional Council Conditions**

###### **Approved Plans**

1. The development of the site is to be generally in accordance with the following proposal plans submitted with the application, and subject to the final development being amended in accordance with the conditions of this approval.

Plan Name	Plan No.	Date
Site Layout	PR136472-01	28/03/2018
Warwick Solar Farm Preliminary Layout	SP-01 Rev4	10/01/2018
Landscape View Study	136472-5 L-0-01 Rev C	09/04/2018

2. Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval prevail.

###### **Land Use and Planning Controls**

3. This approval allows for the use of the site and existing dwellings for a Renewable energy facility (Solar farm) and ancillary activities including administration, research and education.
4. No solar panels are to be erected within a 60 metre wide buffer around the whole of the site. Within this area, random plantings of a variety of native trees and shrubs of differing growth habits are to be provided. The trees and shrubs must be of species that are fast growing, frost resistant and drought hardy. The vegetated buffer is to be maintained so it provides an effective visual buffer.
5. The Renewable energy facility (Solar farm) may operate for a maximum of 25 years from the date the facility, or part of the facility, becomes operational.
6. Site coverage of the solar panels must not exceed 30% approximately.
7. A minimum separation distance of 2.5 metres must be provided between the rows of solar panels.
8. The solar panels are to have a maximum height of 2.6 metres at maximum tilt.
9. The mounts for the solar panels are to be generally pile driven or screwed into the ground.
10. All coatings on cables and structures must be anti-reflective.
11. The site is to be used for the grazing of stock.
12. Grass cover is to be maintained throughout the site, except in those areas used for major access tracks.
13. The solar panels are to be maintained in working order. If a panel is damaged or becomes inoperable, the panel is to be removed as soon as practicable.
14. Prior to commencement of construction, the following plans are to be submitted to Council for

approval:

- (a) Construction environmental management plan;
- (b) Decommissioning program and asset removal schedule (including the removal of all infrastructure associated with the Solar farm, including all underground infrastructure); and
- (c) Land rehabilitation and monitoring plan (including how the land will be rehabilitated to allow for future agricultural use).

The Construction Environmental Management Plan must be prepared by a suitably qualified person and address the following:

- Hours of building and operational work activity
  - Air and noise quality management – emissions monitoring (day/night)
  - Stormwater quality management – including erosion and sediment control, and how existing contour banks will be retained
  - Waste management
  - Complaint monitoring and community engagement procedures
  - Dust suppression (road watering) program
  - Traffic management and monitoring plan
15. The site is to be decommissioned and rehabilitated in accordance with the approved Decommissioning program and asset removal schedule and Land rehabilitation and monitoring plan.

### **Amenity and Environmental Controls**

16. During the construction phase of the development, all wastes must be separated into recyclables (where possible) and landfill wastes, and disposed of at the Warwick Central waste facility.
17. Declared pest plants on **all** the land subject to this application must be destroyed to the satisfaction of the Manager Environmental Services.
18. The loading and/or unloading of delivery and other service vehicles (excluding general waste collection vehicles) is limited between the hours of 7.00am and 7.00pm, Monday to Saturday, and between the hours of 8.00am and 3.00pm on Sundays. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.
19. All wastes are to be suitably collected and disposed of so as not to adversely impact on the environment.
20. Any external lighting must be installed so that light shines down and away from adjacent properties and roads, and does not exceed 8 lux at the property boundary.
21. Prior to commencement of construction, certification from a suitably qualified person is to be submitted to Council demonstrating that electromagnetic radiation (EMR) levels from equipment and infrastructure will not exceed recommended levels in accordance with the National Health and Medical Research Council's *Interim Guidelines on the limits of exposure to 50/60Hz electric and magnetic fields (1989)*.

All EMR sources within the Proposed Solar Farm are located at an appropriate distance from the property boundary to ensure the electro-magnetic radiation risk to the general public is negligible.

### **Fencing, Landscaping and Buffers**

22. A security fence shall be erected along all property boundaries of the solar farm in

accordance with the Landscape View Study Plan (136472-5-L-0-01 Revision C). **Details of the proposed fencing are to be submitted to and approved by the Director Planning, Environment and Corporate Services prior to construction commencing.** Fencing is to be provided and maintained in accordance with the approved details.

23. Landscaping is to be provided in the proposed 60 metre buffer to include a 20 metre wide landscape strip in accordance with the Landscape View Study Plan (136472-5-L-0-01 Revision C) and a 40 metre infrastructure buffer.
24. **A detailed Landscaping Plan**, prepared by an appropriately qualified person, **is to be submitted to and approved by the Director Planning, Environment and Corporate Services** prior to construction commencing. The detailed Landscape Plan must include details of the location and species of plants, and the irrigation system. Plants are to be generally fast growing, frost resistant and drought hardy, and must not include weed species. Root barriers are to be installed around trees that are located within 3 metres of any underground infrastructure. The site is to be landscaped and maintained in accordance with the approved Landscaping Plan, and to ensure it provides an effective visual buffer.

### **Car Parking and Vehicle Access**

25. A gravel crossover crossing, adequate to cater for construction traffic, is to be constructed at the Jensens Road entrance to the site. The access gateway to the property must be located within a setback such that all vehicles proposed to enter and/or exit the land are able to stand clear of the carriageway whilst the property gateway is being opened and/or closed.
26. All vehicular access to and from the Solar farm must be via Jensens Road only.
27. The internal driveways are to be designed and constructed to allow an 8.8 metre service vehicle to enter and leave the site in forward gear.
28. At least five (5) car parking spaces are to be provided on site. Provision is to be made for disabled parking.
29. All loading and unloading of goods related to the development must be carried out within the confines of the site boundary. Under no circumstances will the loading or unloading of goods on the public roadway system be permitted.

### **Roadworks**

30. A dedicated heavy vehicle access to the site shall be constructed at the location nominated on the Site Layout Plan (PR136472-01) prepared by RPS. The site access shall be constructed to an all-weather heavy vehicle standard and include measures to prevent the tracking of soil and silt from the site onto the road network.
31. A Road Safety Assessment, as recommended in the Traffic Impact Assessment Report prepared by Premise and dated 28 March 2018, is to be carried out by an RPEQ or accredited road safety auditor, and the recommendations of that assessment are to be carried out as part of the required works for the development. The Road Safety Assessment is to include Freestone Road between the Cunningham Highway and Freestone Creek Road, Robinson Road between Freestone Road and Jensen Road, and Jensens Road between Robinson Road and the site access. Where this condition requires works or alterations to Council's infrastructure, these alterations shall require an Operational Works Approval.
32. A pre-construction condition assessment, including joint inspections by the developers certifying engineer and Council's officers, is to be conducted on each of Robinson Road, Jensen Road, McMahon's Road and Gleeson Road. The roads are to be re-inspected upon completion of the construction period, and the developer shall rectify any damage caused to Council's infrastructure during the construction period. Inspections are to be organised and programmed by the developer. Please contact Council's Development Engineer to arrange these inspections.
33. If, once operational, the Solar farm generates traffic to the facility such that the number of

vehicles using Robinsons Road and Jensens Road exceeds 150 vehicles a day, these roads are to be sealed to a 6.0 metre wide sealed road standard to provide sealed access from the intersection of Freestone Road and Robinsons Road to the entrance to the development site from Jensens Road. Such works are to include stormwater drainage.

34. Dust suppression measures are to be put in place on unsealed roads utilised by construction traffic to access the development, where those roads are within 200 metres of a dwelling house.

### **Stormwater Drainage**

35. The developer's Consulting Engineer shall carry out catchment analyses and runoff modelling to confirm the suitability of existing stormwater infrastructure under Jensen's Road. The modelling shall account for partial area effects and determine the critical storm duration for the infrastructure. The provisions with regards to QUDM Table 4.5.4 regarding change from dryland broad-acre farming and grazing to retained groundcover are to be addressed in runoff modelling.
36. The modelling required by Condition 35 shall be based upon a detailed design surface of the site, which includes all contour banks, any drainage paths, access roads and other features which will concentrate stormwater flow.
37. Council's design standard for minor road culvert crossings is immunity up to and including 1 in 10 year ARI. Where the developers consulting engineer determines upgrades or modifications to the existing infrastructure are necessary, these works shall require an Operational Works Approval. Any works undertaken to the existing waterways shall conform to the DAF code for self-assessable waterway barrier works, & construction and maintenance of culverts.

### **Water Supply and Waste water**

38. All sewage generated from this property must be disposed of by means of an on-site sewage facility (OSSF) in accordance with the AS/NZS 1547:2012 - *On-site Domestic Wastewater Management, Queensland Plumbing and Wastewater Code* and the *Standard Plumbing and Drainage Regulation 2003*.

### **Advisory Notes**

- (i) Unless otherwise stated, all conditions of this approval are to be complied with to the satisfaction of the Director Planning, Environment and Corporate Services, prior to the use commencing, and then compliance maintained at all times while the use continues.
- (ii) Any proposal to increase the scale or intensity of the use on the subject land, that is assessable development under the Planning Scheme, would be subject to a separate application for assessment in accordance with the *Planning Act 2016* and would have to comply with the requirements of the Planning Scheme.
- (iii) The General Environmental Duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles dust, ash, fumes, light, odour or smoke, beyond the boundaries of the property during all stages of the development including earthworks, construction and operation.
- (iv) Any storage of flammable and/or combustible liquids must comply with the minor storage provision of Australian Standard AS1940 *The Storage and Handling of Flammable and Combustible Liquids*.
- (v) Council will not be sealing Robinson Road, Gleasons Road or Jensens Road as a result of complaints regarding the impact of dust on the solar facility.
- (vi) An application must be submitted and approved by Council for a permit under Southern Downs Regional Council's Subordinate Local Law No. 1.15 (Carrying Out Works on a Road

or Interfering with a Road or its Operation).

- (vii) Site works must be constructed such that they do not, at any time, in any way restrict, impair or change the natural flow of runoff water, or cause a nuisance or worsening to adjoining properties or infrastructure.
- (viii) All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be approved, supervised and certified by a Registered Professional Engineer of Queensland.

#### **Aboriginal Cultural Heritage**

- (ix) All reasonable and practicable measures must be taken to ensure that no harm is caused to Aboriginal cultural heritage (the “cultural heritage duty of care”). The cultural heritage duty of care is met if the development is conducted in accordance with gazetted cultural heritage duty of care guidelines. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from [www.datsima.qld.gov.au](http://www.datsima.qld.gov.au)

#### **Schedule 2 - Department of State Development Manufacturing Infrastructure and Planning's conditions as a Concurrence agency**



## Attachment 1—Conditions to be imposed

No.	Conditions	Condition timing
<b>Material change of use</b>		
10.9.4.2.4.1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads (DTMR) to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following conditions:		
1.	The development must be carried out generally in accordance with the following plan: <ul style="list-style-type: none"> <li>Warwick Solar Farm Preliminary Layout prepared by Terrain Solar dated 10 January 2018, reference Drawing No. SP01 (revision 4).</li> </ul>	Prior to the commencement of use and to be maintained at all times.
2.	Any excavation, filling/backfilling/compaction, retaining structures, stormwater management measures and other works involving ground disturbance must not encroach or de-stabilise the state-controlled road or the land supporting this infrastructure, or cause similar adverse impacts.	At all times.
3.	(a) Pay a monetary contribution to DTMR (Darling Downs District) towards protecting or maintaining the safety or efficiency of the Freestone Road pavement structure in accordance with section 146(2)(a) of the <i>Planning Act 2016</i> . The amount of the contribution: <ol style="list-style-type: none"> <li>is to be \$15,168.00</li> <li>is to be indexed based on the Road and Bridge Construction Index, Queensland – Class 3101, published quarterly by the Australian Bureau of Statistics (ABS Cat No. 6427, Series ID A2333727L) to the date of payment.</li> </ol> (b) Maintain records which document the quantity of vehicles hauled on the State-controlled road network and submit these records to DTMR (Darling Downs District) at the time of payment referenced in part (a) of this condition.	(a) Prior to commencing the development construction phase.  (b) As indicated
4.	(a) Road works comprising a Basic Left Turn (BAL) must be provided at the northbound lane of Freestone Road at the intersection with Robinson Road.  (b) The road works must be designed and constructed in accordance with DTMR's Road Planning & Design Manual, and any extrinsic material referenced therein.	At all times.
5.	Direct access is not permitted between Freestone Road and the subject site.	At all times.
6.	No landscaping is to be established within the road reserve of Freestone Road.	At all times.

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## **Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

- Condition 1 – To ensure the development is carried out generally in accordance with the plans of development submitted with the application.
- Condition 2 – To ensure the development and its construction does not cause adverse structural impacts on state-transport infrastructure.
- Condition 3 – To offset the impacts of development on the safety and efficiency of the state-controlled road.
- Condition 4 – To ensure the road works on, or associated with, the state-controlled road network are undertaken in accordance with applicable standards.
- Condition 5 – To ensure access to the state-controlled road from the site does not compromise the safety and efficiency of the state-controlled road. Direct access to the state-controlled road is prohibited where not required.
- Condition 6 – To ensure that landscaping is not placed within the state-controlled road reserve.

### **Evidence or other material on which the findings were based**

- development application material
- assessment and recommendation by applicable technical agency
- State Development Assessment Provisions published by the Department of State Development, Manufacturing, Infrastructure and Planning
- *Planning Act 2016*
- Planning Regulation 2017

**Carried**

*Cr McNally voted for the motion.*

*The Mayor accepted a call for a Division on the motion from the floor and the following votes were recorded:*

*For: Crs T Dobie, R Kelly, J McNally, Y Stocks and S Windle (5)*

*Against: Crs C Gow, M McNichol, N Meiklejohn and V Pennisi (4)*

*Accordingly the Mayor declared the motion carried.*

## **MEETING CLOSURE**

There being no further business, the meeting closed at 3:05pm.